

AMENDED IN ASSEMBLY MAY 4, 2005

AMENDED IN ASSEMBLY APRIL 21, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

## ASSEMBLY BILL

**No. 1191**

**Introduced by Assembly Member Benoit**

**(Coauthor: ~~Assembly Member Huff~~ Coauthors: *Assembly Members Arambula, Bogh, Garcia, Huff, Mullin, Richman, and Villines*)**

*(Coauthor: Senator Battin)*

February 22, 2005

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An act to add Article 10.7 (commencing with Section 41871) to Chapter 5 of Part 24 of the Education Code, relating to home-to-school transportation.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1191, as amended, Benoit. Home-to-school transportation and special education transportation: equalization adjustment.

Existing law requires the Superintendent of Public Instruction to apportion to each school district or county office of education a specified amount from Section A of the State School Fund for home-to-school transportation and for special education transportation.

This bill would require the Superintendent of Public Instruction to calculate and apportion to each school district and county office an additional equalization *adjustment* amount, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) The formula for funding school transportation has not changed substantially in 25 years, is outdated, and does not address enrollment growth.

(2) The current formula results in substantial underfunding of actual school district transportation costs, resulting in the need to use classroom dollars to make up the deficit.

(3) Due to the large amount of growth in California over the past 25 years, school districts with rapidly growing enrollments have been especially penalized and forced to use more of their classroom dollars to cover rising transportation costs.

(4) The State of California provides transportation funding to school districts at an average rate of 46 percent with a range from 100 percent state funding for some school districts to zero percent funding for other school districts.

(5) As a result of California's fiscal crisis, school districts have reduced school transportation services, which harms economically disadvantaged pupils and pupils with special needs.

(6) Underfunding transportation costs also makes it difficult for some school districts to purchase schoolbuses that meet current health and safety laws.

(7) California ranks last among the states in the percentage of pupils who ride schoolbuses to school.

(b) It is the intent of the Legislature *to enact legislation* to fully fund school transportation costs.

SEC. 2. Article 10.7 (commencing with Section 41871) is added to Chapter 5 of Part 24 of the Education Code, to read:

Article 10.7. Equalization Adjustment For Special Education  
And Regular Home-To-School Transportation

41871. For any fiscal year in which funds are specifically appropriated for the equalization of special education and regular home-to-school transportation apportionments pursuant to this article, the Superintendent shall apportion to each school district and county office of education, in addition to any apportionments

1 pursuant to Sections 41851 and 41851.5, the equalization  
2 *adjustment* amount calculated pursuant to Section 41872.

3 41872. (a) The Superintendent shall do the following  
4 calculations:

5 (1) Add the regular home-to-school allowance received  
6 pursuant to Section 41851 and the special education  
7 transportation allowance pursuant to Section 41851.5 for each  
8 school district and county office of education for the prior year.

9 (2) Add the approved costs of home-to-school transportation  
10 and the approved costs of special education transportation, as  
11 defined in Section 41851.12, for each school district and county  
12 office of education for the prior year.

13 (3) Calculate the percentage of state transportation aid by  
14 dividing the transportation allowance calculated in paragraph (1)  
15 by the approved costs calculated in paragraph (2) for each school  
16 district and county office of education.

17 (b) In consideration of the amount of funds appropriated for  
18 purposes of this article, the Superintendent shall calculate the  
19 fixed percentage increased equalization factor and use this factor  
20 to increase the state transportation aid for school districts in the  
21 following manner:

22 (1) Each school district and county office of education whose  
23 percentage of state transportation aid, as calculated in paragraph  
24 (3) of subdivision (a), is less than 20 percent shall be given an  
25 increase in transportation aid equal to three times the product of  
26 the fixed percentage increased equalization factor multiplied by  
27 the amount calculated in paragraph (2) of subdivision (a).

28 (2) Each school district and county office of education whose  
29 percentage of state transportation aid, as calculated in paragraph  
30 (3) of subdivision (a), is less than 50 percent and greater than or  
31 equal to 20 percent shall be given an increase in transportation  
32 aid equal to two times the product of the fixed percentage  
33 increased equalization factor multiplied by the amount calculated  
34 in paragraph (2) of subdivision (a).

35 (3) Each school district and county office of education whose  
36 percentage of state transportation aid, as calculated in paragraph  
37 (3) of subdivision (a), is less than 90 percent and greater than or  
38 equal to 50 percent shall be given an increase in transportation  
39 aid equal to the product of the fixed percentage increased

1 equalization factor multiplied by the amount calculated in  
2 paragraph (2) of subdivision (a).

3 (4) Each school district and county office of education whose  
4 percentage of state transportation aid, as calculated in paragraph  
5 (3) of subdivision (a), is greater than or equal to 90 percent shall  
6 not receive any additional transportation aid under this article.

7 (c) For each school district and county office of education that  
8 receives additional funds under this article, the Superintendent  
9 shall allocate those funds between home-to-school transportation  
10 and special education transportation based on the prior year  
11 allocations of the school district or the county office of  
12 education.

13 (d) The Superintendent shall calculate data for school districts  
14 within a joint powers authority as separate entities, but  
15 apportionments shall be the same as *under* the provisions of this  
16 chapter.

17 (e) *A school district or county office of education that provides*  
18 *school transportation services, but does not receive*  
19 *reimbursement from the state for approved costs, may receive an*  
20 *adjustment pursuant to this article to the extent that it satisfies*  
21 *the criteria for eligibility specified in paragraphs (1) to (4),*  
22 *inclusive, of subdivision (b).*